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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,445	07/19/2001	Fred S. Cook	1477	9653
28004	7590	06/06/2006	EXAMINER	
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			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/909,445	COOK, FRED S.	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 March 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed 3/23/06 has been entered. Claims 1-11 are active and are rejected as followed.

Claim Rejections - 35 USC § 112

1. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 4-5, the phrase "the wireless transceiver device is configured to (1) receive and (2) provide at least one of a plurality of different communication services to the customer of the retail business" is vague because it's not clear how the transceiver device is capable performing both of the functions above, especially the 2nd function.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1, 8-11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over (1) SCHWARTZ (Article of October 11, 1999) and/or in view of (2) STEWART et al (US Patent 6,732,176).**

As for independent method claim 1, which basically deals with a method for providing communication services, comprising of:

(a) at a location, i.e. location of a retail business, providing a wireless transceiver device to a customer of the retail business, wherein the transceiver device is configured to receive the service,

(b) receiving at the location, the plurality of different communication services from a network system, and

(c.) providing a service from the location of the retail business to the wireless transceiver device over a wireless network.

Similarly, SCHWARTZ discloses a method for providing communication services, comprising:

(a) at a location of a retail business, providing a wireless transceiver device (page 2, paragraph no. 5, "*rentals of cell phones*") to a customer of the retail business, wherein the transceiver device is configured to receive the service,

(b) receiving at the location, the plurality of different communication services {cell phones, pagers, laptops, Internet, etc., as shown on page 2}; and

(c.) providing a service from the location of the retail business to the wireless transceiver device over.

As for the limitation of a network system to carry out step (b) and a wireless network to carry out step (c.), these are inherently included in the system of SCHWARTZ in order to carry out these functions.

In another system for providing wireless communication services, STEWART et al is cited to teach a well known network system (Fig. 1, 100) including a network system to carry out step (b) and a wireless network to carry out step (c.) {see Fig. 1, Fig. 6, cols. 5-6}. It would have been obvious to modify the teachings of SCHWARTZ by setting up well known system for carrying out plurality of different wireless communication services as taught by STEWART et al above.

As for dep. claims 8-11 (part of 1), which deals with the type of communication services, i.e. broadband, video on demand, data exchange, voice, etc., these are taught

on page 2, paragraphs 4-6. Alternatively, the renting of any other well known business devices or services for business travelers or meetings would have been obvious as mere applying the same idea/concept to other similar items/services to achieve similar results, absent evidence of unexpected results.

6. Dependent claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHWARTZ and/or STEWART et al.

As for dep. claims 3-4 (part of 1), which deals with processing a request for service from a user, i.e. request for service from the wireless transceiver device, services parameters, these are well known steps for initiating a service from a transceiver device and would have been obvious to a skilled artisan to do so when request a service is initiated from a user.

As for dep. claims 5, 7 (part of 1), which deals with well known business practice for conducting any business, i.e. providing a contract between two parties for using the service, it would have been obvious to a skilled artisan to modify the teachings of SCHWARTZ by including well known business practices of “providing a contract” between business services between partners to insure clear communication and compliance of the contract between two parties.

As for dep. claim 6 (part of 1), which deals with renting the wireless transceiver device, this is taught in SCHWARTZ page 2.

7. **Claims 1, 8-11 are rejected (2nd time) under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over (1) ANTONIAK (Article of November 2, 1992) and/or in view of (2) STEWART et al (US Patent 6,732,176).**

As for independent method claim 1, which basically deals with a method for providing communication services, comprising of:

- (a) at a location, i.e. location of a retail business, providing a wireless transceiver device to a customer of the retail business, wherein the transceiver device is configured to receive the service,
- (b) receiving at the location, the plurality of different communication services from a network system, and
- (c.) providing a service from the location of the retail business to the wireless transceiver device over a wireless network.

Similarly, ANTONIAK discloses a method for providing communication services, comprising:

- (a) at a location of a retail business, providing a wireless transceiver device (page 1, paragraph no. 5, "*cellular and mobile phones, portable fax machines, PC rentals, ...*") to a customer of the retail business, wherein the transceiver device is configured to receive the service,
- (b) receiving at the location, the plurality of different communication services {*cell phones, fax services, etc., as shown on page 1 and 2*}; and

(c.) providing a service from the location of the retail business to the wireless transceiver device over.

As for the limitation of a network system to carry out step (b) and a wireless network to carry out step (c.), these are inherently included in the system of ANTONIAK in order to carry out these functions.

In another system for providing wireless communication services, STEWART et al is cited to teach a well known network system (Fig. 1, 100) including a network system to carry out step (b) and a wireless network to carry out step (c.) {see Fig. 1, Fig. 6, cols. 5-6}. It would have been obvious to modify the teachings of ANTONIAK by setting up well known system for carrying out plurality of different wireless communication services as taught by STEWART et al above.

As for dep. claims 8-11 (part of 1), which deals with the type of communication services, i.e. broadband, video on demand, data exchange, voice, etc., these are taught on page 2, last paragraphs under "Hotels". Alternatively, the renting of any other well known business devices or services for business travelers or meetings would have been obvious as mere applying the same idea/concept to other similar items/services to achieve similar results, absent evidence of unexpected results.

8. Dependent claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over ANTONIAK and/or STEWART et al.

As for dep. claims 3-4 (part of 1), which deals with processing a request for service from a user, i.e. request for service from the wireless transceiver device, services parameters, these are well known steps for initiating a service from a

transceiver device and would have been obvious to a skilled artisan to do so when request a service is initiated from a user.

As for dep. claims 5, 7 (part of 1), which deals with well known business practice for conducting any business, i.e. providing a contract between two parties for using the service, it would have been obvious to a skilled artisan to modify the teachings of ANTONIAK by including well known business practices of "providing a contract" between business services between partners to insure clear communication and compliance of the contract between two parties.

As for dep. claim 6 (part of 1), which deals with renting the wireless transceiver device, this is taught in ANTONIAK page 1 or 2.

Response to Arguments

9. Applicant's arguments, see response, filed 3/23/06, with respect to the 35 USC 102 rejection(s) of claim(s) 1-11 under McGregor et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of SCHWARTZ or ANTONIAK and/or STEWART et al.

No claims are allowed.

Art Unit: 3629

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
May 30, 2006



DEAN T. NGUYEN
PRIMARY EXAMINER